

Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMERICAN WHITEWATER et al.,

Plaintiffs,

v.

ELECTRON HYDRO, LLC,

Defendant.

Case No. 2:16-cv-00047-JCC

JOINT STATUS REPORT

Pursuant to the Court’s order of August 30, 2019 (Dkt. 26), and LCR 16, counsel for Plaintiffs American Whitewater et al. and Defendants Electron Hydro, LLC have met and conferred, and hereby respectfully file this joint status report and stipulated case management schedule.

1. Pursuant to LCR 16(a)(1) and LCR 16(f)(1)(A) & (B), the parties agree this case is unlikely to settle, and they would not benefit from participating in alternative dispute resolution (“ADR”) procedures.

2. Pursuant to LCR 16(f)(1)(C), the parties agree there is no case related to this one.

1 3. Pursuant to LCR 16(f)(1)(D), as to case management, at this time, the parties do not
2 know whether this case may need to proceed to trial. To help obviate any need for trial, the
3 parties agree to this schedule for pleadings:

4 On or before November 6, 2020, Plaintiffs will file an amended and/or supplemental
5 complaint.

6 On or before December 4, 2020, Defendant will file an answer to the supplemental
7 complaint.

8 4. Pursuant to LCR 16(b)(1) & LCR 16(f)(1)(D), the parties propose this schedule as to
9 deadlines for completing any discovery and the filing of dispositive motions:
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11 The parties will conduct any discovery from December 5, 2020 to April 1, 2021.

12 Pursuant to Fed. R. Civ. P. 26(d)(A), the parties agree that currently no changes must be
13 made in the timing, form, or requirement for disclosures under Rule 26(a), and that initial
14 disclosures shall be made by December 15, 2020;

15 Pursuant to Fed. R. Civ. P. 26(d)(B), the parties are unaware before pleadings are
16 completed which subjects discovery may be needed about, but agree it is unlikely that discovery
17 will be needed to be conducted in phases or limited to or focused on particular issues, and agree
18 that discovery should be completed by April 1, 2021;
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20 Pursuant to Fed. R. Civ. P. 26(d)(C), the parties are currently unaware of any issues about
21 disclosure, discovery, or preservation of electronically stored information, including the form or
22 forms in which it should be produced;

23 Pursuant to Fed. R. Civ. P. 26(d)(D), the parties are currently unaware of any issues about
24 claims of privilege or of protection as trial-preparation materials, including—if the parties agree
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1 on a procedure to assert these claims after production—whether to ask the Court to include their
2 agreement in an order under FRE 502;

3 Pursuant to Fed. R. Civ. P. 26(d)(E), the parties are currently unaware of any changes that
4 should be made in the limitations on discovery imposed under these rules or by local rule, and
5 what other limitations should be imposed; and

6 Pursuant to Fed. R. Civ. P. 26(d)(F), the parties are currently unaware of any other orders
7 that the Court should issue under Rule 26(c) or under Rule 16(b) and (c).

8 5. After completing any discovery, the parties will stipulate and propose to the Court a
9 schedule for dispositive briefing in this case, to determine whether any trial is needed, and the
10 projected length of any trial.
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12 Date: October 5, 2020.

Respectfully submitted,

13 /s/ Peter M. K. Frost
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Certificate of Service

I hereby certify that on October 5, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Svend A. Brandt-Erichsen sbrandterichsen@nossaman.com

Date: October 5, 2020. /s/ Peter M. K. Frost
Peter M. K. Frost